

MASSAGE THERAPY BOARD

REGULAR MEETING

Friday, April 13, 2007

10:00 A.M.

Rio Grande Conference Room

Toney Anaya Building - West Capitol Complex

2550 Cerrillos Road

Santa Fe, New Mexico

MINUTES

1. CALL TO ORDER/ROLL CALL/INTRODUCTIONS:

Kathleen Egenes, Board Chair, called the meeting to order at 10:00 a.m. and a quorum was determined present.

MEMBERS PESENT:

Kathleen Egenes, LMT, RMTI and Chair

Randy Barnes, Vice Chair, LMT, RMTI

W.D. "Peter" Lane, LMT, RMTI

Margo Bryson, Public Member

MEMBERS ABSENT:

Claudio "Quinn" Lopez, Public Member

OTHERS PRESENT:

Jackie Holmes, Board Administrator

Cynthia Graystone, Administrative Assistant

Mona Valicenti, Assistant Attorney General

Pam Barrone, Compliance Section

(For others present, refer to Sign-In Sheet)

2. APPROVAL OF AGENDA:

MOTION was made by Mr. Lane to approve the Agenda as presented. **SECONDED** by Ms. Bryson, **MOTION CARRIED UNANIMOUSLY.**

3. APPROVAL OF MINUTES:

MOTION was made by Mr. Lane to approve the Minutes from March 13, 2007, as distributed. **SECONDED** by Ms. Bryson. **MOTION CARRIED.**

4. NEXT MEETING DATE:

The next meeting will be held on Friday, July 13, 2007 in Santa Fe at the Regulation and Licensing Department at 10:00 am.

5. OLD BUSINESS:

A. Review ITEC International Therapy Examination Council's Diploma. (tabled at last meeting). The board reviewed the syllabus from ITEC (International Therapy Examination Council), submitted by an applicant, and determined that ITEC's program does not meet the requirements of the State of New Mexico for licensure. Mr. Lane **MOVED** that the board not accept the application because ITEC's program does not meet the state's requirements; **SECONDED** by Ms Bryson **MOTION** Passed.

6. NEW BUSINESS:

A. Pain Advisory Council: Presentation

Jenny Flemley of the Pain Management Council asked the board to adopt the Pain Management Advisory Council's Joint Statement on the Management of Chronic Pain. The Council is looking for support from the Massage Therapy Board as well as all other boards that deal with chronic pain to adopt the Joint Statement. Mr. Lane stated that he thought the Joint Statement is a good idea but would like the Massage Therapy Board to put together its own statement. Mr. Lane **MOVED** to table this request until the Board can put together their own response. **SECONDED** by Ms. Bryson **MOTION** Passed.

B. Authentic Relationships: board review to determine if this course includes ethics for license renewal. Mr. Lane suggested that this course seems like a Yoga class and not ethics. No where in the course subject did it mention ethics. Mr. Barnes **MOVED** that this program not be accepted as ethics continuing education. Mr. Lane **SECONDED. MOTION** Passed.

C. UTMI Correspondence regarding clock hours/ semester credits.

Mr. Bob Paper addressed the board and requested that the board write a letter stating that the Massage Therapy Board would accept clock hours and semester hours on UTMI's transcripts. A directive was given to Ms. Holmes board administrator that a letter be drafted to accept both clock and semester hours.

D. UTMI Correspondence: 300 hour advanced massage program.

Mr. Paper of UTMI spoke to the board on the advantages of an advanced massage program; in conclusion the board asked Ms. Valicenti, the board's Assistant AG, to check into the legal aspects of the program.

E. House Bill 847 – Open discussion

Ms. Egenes asked board members to give their opinions on the passing of House Bill 847. Ms. Bryson stated that she spoke to the Governors office in response to a query of how board members felt about HB 847. Ms. Bryson stated that she felt that the Massage Therapy Board has enough to deal with in regulating LMT's. She didn't think that practitioners of other modalities, stated in the bill, actually performed massage. Mr. Barnes recommended to the Governor's office that the Governor veto this bill.

Mr. Lane spoke to the Governor's office, expressing his concerns and recommended to veto the bill.

Virginia Barrows of NMT Associates and a massage therapist addressed the board regarding HB 847. She expressed several concerns, among them: continuing education and the Uniform Licensing Act of New Mexico. Ms. Barrows stated that people need a license to practice and that there should be some accountability. Ms. Barrows also stated that she thinks that registration of the other modalities is a good idea so that the public can have some recourse if they are wronged. Since the other modalities are now exempt from licensure, continuing education would have to be looked at more thoroughly by the board. School curriculums would also need to be revisited.

Don Schiff of Stone Circle Massage addressed the board with his concerns about House Bill 847. Mr. Schiff stated that he thinks the passing of this bill is bad for the public and bad for the board. Many of the other modality practitioners do soft tissue manipulation and should be licensed by the Massage Therapy Board. Mr. Schiff added that school curriculum courses for other modalities will have to be put in the “electives” section of the school’s curriculum, and that the Board will need to review its continuing education policies to ensure that they are in the best interest of the public.

Ms. Casey, a Spa owner, asked how House Bill 847 would impact the spa business? Ms. Barrows responded by stating that there would be more liability for Spa owners.

Dan Barrows stated that he felt the board should be pro active in washing their hands of other modality practitioners, accept the fact that this law has passed, and move forward.

7. STANDING AGENDA ITEMS:

A. Chair’s Report

Ms. Egenes suggested that the board send a letter to Gary King Attorney General requesting a new litigation attorney.

B. Rules and Statute Committee

No report from the rules committee

C. Education, Exam & Licensing Compliance Committee Report

No report for this meeting.

D. Complaint Committee

Discuss complaints in Executive session.

E. Board Administrator’s Report

Ms. Holmes reported that the Regulation and Licensing Department (RLD) has been mandated by the Governor’s office to provide electronic renewal of licensure by 2008. Whether they are under the auspices of RLD or not, all licensing entities, must provide on-line renewal by then. Ms. Holmes also advised the board that RLD’s Information Technologies section has been working on enabling on-line renewals for the Massage Therapy Board, and the 2007 October renewal period will be the first “crack” at meeting the 2008 deadline. Ms. Holmes reported on the volume of applications for licensure received daily, and expressed awe at the numbers. Talk was had about looking into

possibly requesting another full time position for the board. Board members were in agreement.

8. EXECUTIVE SESSION AND ACTION:

MOTION was made by Mr. Lane to go into closed session pursuant to Section 10-15-(H)(1) of the Open Meetings Act to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license in the following cases:

The **Motion** was **SECONDED** by Ms. Bryson. Roll call vote as follows: Margo Bryson in favor; Randy Barnes in favor; Peter Lane in favor; and Kathleen Egenes in favor; **MOTION CARRIED.**

MOTION was made by Ms. Bryson to return to open session. The matters discussed during the closed meeting were limited only to those specified in the motion for closure. **SECONDED** by Mr. Barnes. Roll call vote was as follows: Kathleen Egenes in favor; Randy Barnes in favor; Peter Lane in favor; and Margo Bryson in favor. **MOTION CARRIED.**

As the Board's Complaint Committee Chair, Mr. Lane recused himself from voting on all items discussed during Executive Session.

Complaints:

(1) Case No. 05-02-04

MOTION was made by Ms. Bryson to accept the Complaint Committee's recommendation to dismiss due to statute of limitation expiration. **SECONDED** by Mr. Barnes, **MOTION CARRIED.**

(2) Case No. 05-09-26

MOTION was made by Ms. Bryson to dismiss because the respondent has complied with the board's recommendation. **SECONDED** by Mr. Barnes, **MOTION CARRIED.**

(3) Case NO. 06-06-24

MOTION was made by Ms. Bryson to accept the Complaint Committee's recommendation to fine the respondent \$1,000.00, and to accept payments of \$250.00, over a 90 day period. **SECONDED** by Mr. Barnes, **MOTION CARRIED.**

(4) Case No. 06-06-12

MOTION was made by Ms. Bryson to table this Complaint and revisit it in January, 2008, as there was an inability to contact the respondent. **SECONDED** by Mr. Barnes, **MOTION CARRIED.**

(5) Case No. 06-09-23

MOTION was made by Ms. Bryson to accept the Complaint Committee's

recommendation to dismiss as there was no violation. **SECONDED** by Mr. Barnes, **MOTION CARRIED.**

(6) Case No. 06-10-02

MOTION was made by Ms. Bryson to accept the Complaint Committee's recommendation to dismiss because the respondent complied with the cease and desist letter and has paid the fine. **SECONDED** by Mr. Barnes, **MOTION CARRIED.**

(7) Case No. 06-11-27

MOTION was made by Ms. Bryson to accept the Complaint Committee's recommendation to dismiss this case as it is unfounded. **SECONDED** by Mr. Barnes, **MOTION CARRIED.**

(8) Case No. 06-11-27

MOTION was made by Ms. Bryson to accept the Complaint Committee's recommendation to dismiss this case as it is unfounded. **SECONDED** by Mr. Barnes, **MOTION CARRIED.**

(9) Case No. 06-12-22

Ms. Bryson made a **MOTION** to close this case, as the respondent did comply with the cease and desist letter. **SECONDED** by Mr. Barnes, **MOTION CARRIED.**

(10) Case No. 06-12-23

Ms. Bryson made a **MOTION** to close this case, as the respondent did comply with the cease and desist letter. **SECONDED** by Mr. Barnes, **MOTION CARRIED.**

(11) Case No. 07-01-10

MOTION was made by Ms. Bryson accept the complaint committee's recommendation that this case is an unfounded complaint and should be closed. **SECONDED** by Mr. Barnes, **MOTION CARRIED.**

(12) Case No. 07-01-26

Mr. Barnes made a **MOTION** to issue a cease and desist letter and a \$1,000.00 fine for unlicensed practice. **SECONDED** by Ms. Bryson **MOTION CARRIED.**

(13) Case No. 07-03-12

Mr. Barnes made a **MOTION** to issue a cease and desist letter and a \$1,000.00 fine for unlicensed practice. **SECONDED** by Ms. Bryson **MOTION CARRIED.**

(14) Case No. 07-03-26

Mr. Barnes made a **MOTION** to issue an NCA for unlicensed practice, and to advise the respondent that the board could seek an injunction if the unlicensed practice continues. **SECONDED** by Ms. Bryson **MOTION CARRIED.**

(15) Case No. 04-11-27

Mr. Barnes made a **MOTION** to table this complaint and to schedule a special board meeting to make a decision. **SECONDED** by Ms. Bryson **MOTION CARRIED.**

9. ADJOURNMENT

There being no further business, **MOTION** was made by Mr. Lane to adjourn the meeting at 12:30 p.m. **SECONDED** by Ms. Bryson. **MOTION CARRIED UNANIMOUSLY.**

SUBMITTED BY: _____
Cynthia Graystone and
Administrative Assistant

Jackie Holmes
Board Administrator

APPROVED BY: _____
Kathleen Egenes, LMT, RMTI, Board Chair

DATE APPROVED: _____